

MEMORANDUM

November 18, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: SYNA N. DENNIS
Senior Deputy County Counsel
General Litigation Division

RE: **Claudia Prada v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. YC 049293

DATE OF
INCIDENT: August 29, 2003

AUTHORITY
REQUESTED: \$100,000

COUNTY
DEPARTMENT: Fire Department

CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☐

Recommend to Board of
Supervisors for Approval

_____, Chief Administrative Office
ROCKY A. ARMFIELD

_____, County Counsel
JOHN F. KRATTLI

_____, Auditor-Controller
MARIA M. OMS

on _____, 2006

SUMMARY

This is a recommendation to settle for \$100,000, the lawsuit brought by Claudia Prada seeking damages for the personal injuries she sustained on August 29, 2003, when a lifeguard truck struck her on the beach.

LEGAL PRINCIPLE

A public entity is responsible for the negligent acts of its employees when the acts are committed in the course and scope of employment.

SUMMARY OF FACTS

This accident occurred at Hermosa Beach, in front of the 28th Street lifeguard tower. Ms. Prada was sunbathing near the tower when a lifeguard truck, driven by a County lifeguard, struck her.

Ms. Prada testified that the truck ran over her right hip. The emergency room report indicates that she had redness to the back and right shoulder, multiple hip and back contusions, and a small abrasion to the right back/shoulder area. She has received extensive physical therapy and psychological counseling for her injuries. She has residual complaints, including constant right hip pain. Her treating physician states Ms. Prada's prognosis for eliminating the pain is poor.

The Hermosa Beach Police Department investigated the accident and identified two witness who heard the lifeguard in the tower yell "stop" to the driver of the truck, and saw the truck's tires on Ms. Prada's thigh and close to her neck. The police report concluded that the driver of the truck was responsible for the accident because he did not see Ms. Prada laying on the sand.

Ms. Prada sued the County for negligence in the operation of the truck.

DAMAGES

If the matter proceeds to trial, we anticipate that Ms. Prada would introduce evidence of the following damages and losses:

Medical expenses	\$ 49,037
Past and future loss of earnings	\$ 126,000
General damages for pain and suffering	\$ 150,000
TOTAL:	<u>\$ 325,037</u>

STATUS OF CASE

On October 14, 2005, a settlement conference was conducted resulting in this proposed settlement. Ms. Prada's attorney has filed a C.C.P. section 998 Offer to Compromise for \$150,000. This case is set for jury trial on December 5, 2005.

Expenses incurred by the County in the defense in this matter are attorney's fees in the amount of \$66,061 and costs in the amount of \$20,000.

EVALUATION

This is a matter of clear liability. An independent witness is available to testify that he saw the truck's tires on Ms. Prada's thigh. A jury could conclude that Ms. Prada may never fully recover from her residual complaints and award a verdict far in excess of the proposed settlement.

We believe that settlement of this matter in the amount of \$100,000 is in the best interest of the County. The Fire Department concurs with this recommendation.

APPROVED:

PHILIP S. MILLER
Assistant County Counsel
General Litigation Division

PSM:SND:ms